

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CAPITAL TRUST HOLDING AG,

Plaintiff,

-against-

RAINMAKER INTERNATIONAL, INC.,

Defendant.  
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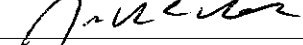
Index No. 07 Civ. 7318  
Hon. Colleen McMahon  
**NOTICE OF MOTION**

PLEASE TAKE NOTICE, that on the declaration of Eugenia Valdes, dated September 7, 2007, and the exhibits annexed thereto, the summons and complaint, and on all other proceedings had herein, the undersigned counsel for defendant will move this Court, before the Honorable Colleen McMahon, Courtroom 21B, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, at a date and time to be set by the Court, for an Order pursuant to FRCP 12 (b) (6), dismissing this Action because plaintiff has breached its obligation to arbitrate the matters raised in the complaint, and for such other and further relief as the Court deems

just and proper.

New York, New York  
September 11, 2007

McLaughlin & Stern, LLP

By 

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